A check for \$ 20.00 covering Recordation of Assignment fee is enclosed. 13-4892 . A duplicate copy of this sheet enclosed.

Any patent application processing fees under 37 CFR 1.17 The issue fee set in 37 CFR 1.18 at or before mailing of the Notice

of Allowance, pursuant to 37 CFR 1.311(b).

Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Dated: October 4, 1985

700 S. Flower St., Suite 2200 Los Angeles, CA 90017 (213) 688-7407

Joseph E. Mueth

Respectfully submitted

Registration No. 20,532

			-	=		T		
DIVISION CO	NTINUA	HONPROGR	AM APPLIC	ATION	TRANSMITTAL	FULL	NEY'S DOCKET NO	
DOCKET NUMB	ER I		7-145D					
OCKET NUMBER ANTICIPATED CLASSIFICATION OF THIS APPLICATION: CLASS ISUBCLASS			PRIOR APPLICAT		ARTUNIT			
107-145D					J. Spiege	el	128	
	1				00	·	120	
To the Comm	ussioner o	of Patents and	Trademarks:					
This is a requ	est for fili	ng a 🔲 cont	tinuation [	<b>3</b> divisio	onal application un	nder 37 CFR 1.60	), of pending prior a	
application se	application serial no. 784.857 filed on October 4 19 85, of							
A. Sai	d El	Shami			METHOD FOR LIGANDS I			
AND ASSAY				AME.	,	-	•	
1. Enc	osed is a c	opy of the lat	est inventor	signed	prior application, : ers are a true copy	including the oatl	h or declaration as	
application	serial no	. <u>784,8</u>	57 as origin	nally fil	ed on OC	tober 4	19_85, and	
tion and b	it all state: elief are b	nients made hi elieved to be t	erein of his c rue: and fru	)wn kno ther th:	owledge are true a at these statement	nd that all statem	ients made on informa the knowledge that	
willful fals	e statemei	nts and the lik	e so made ar	e punis	hable by fine or in	nprisonment, or b	ooth, under section	
1001 of T	itle 18 of a	the United State any patent is:	ites Code and	i that s	uch willful false st	atements may jed	pardize the validity	
		T						
2005 T. 1771 (1980) Sec. 2006	(1) For	(2) Mumbe		(3)	Number extra	(4) Rate	(5) Calculations	
Cla	ins	9	- 2D=		00	X \$12.00	\$	
Language Inc	ependent ims	2	- 3=		0	X \$34.00		
and the way	tiple Dep	endent Claim(	(s) (if appl	icable)	)	+\$110.00		
Sulph, o' u.e's week	्रि		THE REST OF THE REST OF	erit erite	Bas	ic fee	+ \$340.00	
	Talenton (III)			difficate Time and	Total of above (	<del>-</del>		
Red	uction by applicabl	c, arrituavit	MUST DE LTT	<u>en 9126</u>		9, 1.27, 1.28)	-	
Company of Edition Section	10 10 10 10 10 10 10 10 10 10 10 10 10 1			Committee and the	.i —	tional Fee	\$ 340.00	
ľ					e any fees which r	nay be required,	or credit any over-	
рауп	ent to De	posit Account	No. 13-4	892	A duplicat	e copy of this sh	eet is enclosed.	
3 A check in the amount of S 340.00 is enclosed.								
4. 👿 C மா	el in this a	pplication ori	ginal claims	2	- 27			
of th be re	e prior apprained for	plication befor filing purpose	re calculating s.)	the fil	ing fee. (At least	one original inde	pendent claim must	
5. 🙀 Ame	nd the spe	cification by i	nserting befo	ore the	first line the sente	nce: This application	ation is a	
	continua	tion, 🏖 divisi	on, of appli	cation :	serial no. 784,	857 , filed	Oct. 4,1985	
applie	6. Transfer the drawings from the pending prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in prior application file. (May only be used if signed by person authorized by \$1.138 and before payment of issue fee.)							

a. 🕽 New for	mal drawings are encl	losed.		
b. 🗆 Priority	of application serial r	no	filed on _	in
(country	<del></del>			is claimed under 35 U.S.C. 119
	,			erial no.
	iled			
The prior appl	ication is assigned of	record toDiac	nostic	PRODUCTS Corporatio
A preliminary	amendment is enclose	ed.		
A verified at Serial Numbe	atement claiming s	mall entity status	s is enclose	ed in parent application and is still proper.
Also enclosed				
The power of a	ttomey in the prior a	application is to		
	E. Mueth. 1		n No. 2	0,532
c. Dx Address all of record)	I future communicat	ions: (May only b	e completed	
Teler	hone (213) 6	588-7407		
1/2	2/89	(elenature)	113	Muth
Address of	signator: inver	ntor(s)		☐ filed under § 1.34(a)
		nee of complete in		
	` 🔀 attor	mey or agent of rec	ord	
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107-145D-C Attorney's D

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

		Anticipated Classification of this application:
		Class Subclass
		Prior application:
		Examiner: ROSEN, S.
		Art Unit:1802
Commission	nt Application oner of Patents and Traden on, D.C. 20231	narks
	TRANSMITTAL OF F	TILING UNDER 37 CFR 1.60(b)
WARNING:	A C-I-P (continuation-in-part) can	not be filed under 37 CFR 1.60(b).
WARNING:	A filing under 37 C.F.R. § 1.60(b) application and a complete applic	can only be made if the "prior application was a nonprovisional ation as set forth in § 1.51(a)(1)." 37 C.F.R. § 1.60(b)(1).
WARNING:	Filing under 37 CFR 1.60 is permitt in the prior application. 37 CFR 1.	ed only if filed by the same or less than all the inventors named 60(b)(3).
WARNING:	The filing of an application at the oath or declaration. 37 CFR 1.61(a	United States stage of an International Application requires an a)(4).
WARNING:	of the new application are drawn to	may be finally rejected in the first Office action where all claims the same invention claimed in the earlier application and would on the grounds or art of record in the next Office action if they plication. MPEP § 706.07(b).
This is a	request for filing a	
<b>X</b> ⊠ (	Continuation	
	Divisional	
_	on under 37 CFR 1.60, of pe	nding prior application
Serial No.	- 000 - 40	
Jenai 140.	0 / /	(Date)
	CERTIFICATION	ON UNDER 37 CFR 1.10
with the United Mail Post Office	d States Postal Service on this date ice to Addressee" service under 3	documents referred to as attached therein are being deposited 3/9/98 in an envelope as "Express 7 CFR 1.10, Mailing Label Number <u>E1262826088US</u> Trademarks, Washington, D.C. 20231.  Laura Velande (type or print name of person mailing paper)  (Signature of person mailing paper)

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. (37 CFR 1.10(b)).

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 CFR 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

of	Said El Shami
	(Inventor(s))
for M	ETHOD FOR MEASUIRNG FREE LIGANDS IN BIOLOGICAL FLUIDS AND
	(Title of invention)
A	SSAY KITS FOR MEASUIRNG SAME
NOTE	37 CFR 1.60 permits the omission of a declaration only if the prior application was complete as set forth in 37 CFR 1.51(a), namely, the prior application comprised at least (1) a specification, including a claim or claims; (2) a declaration; (3) drawings when necessary; and (4) the prescribed filing fee. Accordingly, as presently worded, 37 CFR 1.60 does not permit this procedure to be used where the prior application is pending but only the processing and retention fee required by 37 CFR 1.21(l) is paid or where the declaration was not filed.
<b>1.</b> Co	ppy of Prior Application as Filed That is Attached
NOTE	Under 37 CFR 1.60, practice signing and execution of the application by the applicant may be omitted provided the copy is supplied by and accompanied by a statement by the applicant or his or her attorney or agent that the application papers comprise a true copy of the prior application as filed and that no amendments referred to in the declaration filed to complete the prior application introduced new matter therein.
NOTE	This statement need not be verified if made by an attorney registered to practice before the PTO. (37 CFR 1.60(b)).
	I hereby verify that the attached papers are a true copy of what is shown in my records to be the above identified prior application, including the oath or declaration originally filed. (37 CFR 1.60(b)(2))

The copy of the papers of prior application as filed which are attached are as follows:

\( \times \frac{29}{\times} \) page(s) of specification

\( \times \frac{4}{\times} \) page(s) of claims

\( \times \frac{1}{\times} \) page(s) of abstract

\( \times \times \frac{10}{\times} \) sheet(s) of drawing

(also complete part 6 below, if drawings are to be transferred)

\( \times \frac{2}{\times} \) pages of declaration and power of attorney

(If the copy of the declaration being filed does not show applicant's signature, because the attorney's records do not contain a copy of the signed declaration actually filed for the application, indicate thereon that it was signed and complete the following:)

the amendment referred to in the declaration filed to complete the prior application and I hereby state, in accordance with the requirements of 37 CFR

1.60(b), that this amendment did not introduce new matter therein.

cant's signature was filed on \_

in accordance with the indication required by 37 CFR 60(b), my records reflect that the original signed declaration showing appli-

(37 CFR 1.60(b) [4-3]-page 2 of 9)

# 2. Amendments . WARNING: "The claim of a new application may be finally rejected in the first Office action in those situations where (1) the new application is a continuing application of, or a substitute for, an earlier application, and (2) all the claims of the new application (a) are drawn to the same invention claimed in the earlier application, and (b) would have been properly finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application." MPEP § 706.07(b). ☐ Cancel in this application original claims \_ application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.) A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.) NOTE: Only amendments reducing the number of claims or adding a reference to the prior application (§ 1.78(a)) will be entered before calculating the filing fee and granting the filing date. 37 CFR 1.60(b)(4). NOTE: "When filing under Rule 1.60 retain at least one original claim from the patent application to assure a complete application." Notice of March 3, 1986 (1064 O.G. 37-38). 3. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment NOTE: Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary). (check the next item, if applicable) ☐ There is provided herewith a Petition To Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently). 4. Information Disclosure Statement (check this item, if applicable)

☐ An information disclosure statement is submitted herewith.

			CLAI	MS AS	FILED		
Number	filed		Number Extra			Rate	Basic Fee 37 CFR 1.16(a) \$730.00
Total Claims (37 Cl	FR 1.16(c))	13	- 20 =	-0-	×	\$ 22.00	-0-
Independent Claims (37 Cl	FR 1.16(b))	2`	-3=	-0-	· ×	\$ 76.00	-0-
Multiple deper (37 CFR		s), if an	<b>y</b>		+	\$240.00	
NOTE: If the prior	fees for extra c	laims are on of the	not paid on time period	filing they d set for r	must be p esponse b	time. (37 CF) aid or the claims o y the PTO in any	cancelled by amendment, notice of fee deficiency. 790,00
		F	iling Fee	Calcula	tion	\$.	7 70.00
6. Small En	tity Status						
□ A	verified sta	tement	that this	filing is	by a sn	nall entity:	
	has been desired (			ent appl	ication a	and such statu	s is still proper and
		F	iling Fee	Calcula	tion (50%	% of above) \$	
NOTE: Any e	excess of the foot	full fee pe ent of a fu	aid will be i ull fee then t	refunded i the excess	f a verified fee paid w	statement is filed vill be refunded on	d within 2 months of the request. 37 CFR 1.28(a).
NOTE: 37 CA a refe desire	rence to a ver	sentence ified stat	states: "Ap ement in a	pplications parent ap	filed under plication if	r§ 1.60 or§ 1.62 status as a small	of this part must include entity is still proper and
7. Drawings	•						
□ D <sub>i</sub>	rawings are	enclos	ed				
	formal						
	a natent applic	cation. Ti	he drawina	s that are	submitted	to the Office m	d be supplied when filing ust be on strong, white rections to the drawings

WARNING: DO NOT submit original drawings. A high quality copy of drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards of § 1.84. If corrections to the drawings are necessary, they should be made to the original drawings and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. Comments on proposed new 37 CFR 1.84. Notice of March 9, 1988 (1090 O.G. 57-62).

NOTE: "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page." 37 C.F.R. 1.84(c)).

(37 CFR 1.60(b) [4-3]—page 4 of 9)

8.	Priori	ty—35 U.S.C. 119							
	. $\square$	Priority of application Serial No. 0 / filed on is							
		cla	imed under 35 U.S.C. 119. (country)						
			The certified copy has been filed in prior U.S. application Serial No.  0 / on						
			The certified copy will follow.						
9.	Relat	е Ва	ck—35 U.S.C. 120						
	( <u>X</u> )	< Arr	nend the specification by inserting, before the first line, the following sentence:						
		"Th	nis is a						
		⊠k	continuation						
			divisional						
	_	of	copending application(s)						
سوک	6/	*X	Serial number 0 <sup>7</sup> / 303,712 filed on1/27/89 "						
			International Application filed on and which designated the U.S."						
N			oper reference to a prior filed PCT application which entered the U.S. national phase is the U.S.						
	S	enal i	number and the filing date of the PCT application which designated the U.S.						
10.	Inve	ntors	hip Statement						
N	a	pplica of the	continuation or divisional application is filed by less than all the inventors named in the prior a statement must accompany the application when filed requesting deletion of the names person or persons who are not inventors of the invention being claimed in the continuation or nal application." 37 CFR 1.60(b)(4) [emphasis added].						
			(complete appropriate items (a) and (b))						
(a	a) Wi		spect to the prior copending U.S. application from which this application ims benefit under 35 USC 120 the inventor(s) in this application is (are):						
			(complete applicable item below)						
		X	the same						
			less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:						
			(type name(s) of inventor(s) to be deleted)						
(t	) The	e inv	entorship for all the claims in this application are						
·		<b>83</b>	the same						
			not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.						

(37 CFR 1.60(b) [4-3]—page 5 of 9)

11.	As	signn	nent						
	Ø	π XI —	e prior app Diagno	plication is assignated by the products (	ned of record to Corporation	· · · · · ·			
		] Ar	assignme	nt of the invention	on to				
		AC	attached. A	A separate ☐ "C YING NEW PATE	OVER SHEET F NT APPLICATIO	OR ASSIGN	NMI ORM	ENT (DOCU 1 PTO 1595	MENT)
NO	TE:	"If an a	assignment is ne for the ass	submitted with a new signment." Notice of	application, send tw May 4, 1990 (1114	o separate let O.G. 77-78).	ters ·	- one for the ap	plication
NO		a state	ement filed ur	files a divisional nder 37 CFR 3.73(b) il 30, 1993, 1150 O.(	in the parent applica	1.60) ation, or a cop	refe by of	rence may be that statement	made to may be
12.	Fee	Pay	ment Being	g Made At This	Time	-	•	•	
		No	t Enclosed	<b>!</b>					
				fee is submitted. ( aid subsequently		charge requ	iirec	by 37 CFR	1.16(e)
	ΚX	En	closed						
		Ø	basic filir	ng fee			\$_	790.00	
			(\$40.00; 3 (See atta	assignment 37 CFR 1.21(h)) sched "COVER S CCOMPANYING .)					
				ng and retention 37 CFR 1.53(d)	fee		\$		
NO	1	failing CFR 1. basic f	R 1.21(I) estable to complete to 53 and 1.78 Tiling fee must	olishes a fee for proc the application pursual indicate that in orde to be paid or else the tion under § 53(d).	ant to 37 CFR 1.53(c r to obtain the bene	d) and this, as afit of a prior	wel U.S.	l as the change application, ei	es to 37 ther the
				Total fees e	enclosed		\$	790.00	
13.	Met	hod (	of Payment	t of Fees					
	Ø	End	closed is a	check in the an	nount of \$_790.	.00			
			_	nt Nof this request is		amount of	\$	<del></del>	<del></del> •
NOT		ees si 1.22(b).		ized in such a mann	er that is clear for w	hich purpose	the	fees are paid.	37 CFR
			•		-	/27 CED 1	1 60/	h) [4 2]	0 -( 0)

(37 CFH 1.60(b) [4-3]—page 6 of 9)

14.	Authorization	То	Charge	Additional	Fees
-----	---------------	----	--------	------------	------

WARNING: If no fees are being paid on filing do not complete this item.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claim charges are authorized.

The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of the application to Account No. 13-4892

FORM 4-3

- 27 CFR 1.16 (a), (f) or (g) (filing fees)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)) it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

### 

WARNING: While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail unless a request or petition for extension is filed." [emphasis added]. Notice of November 5, 1985 (1060 O.G. 27).

- ☐ 37 CFR 1.18 (issue fee at or before mailing Notice of Allowance, pursuant to 37 CFR 1.311(b)).
- NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b)).
- NOTE: 37 CFR 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying or at the time of paying . . . issue fee." From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

### 15. Power of Attorney

The power of attorney in the prior application is to Joseph E. Mueth, Esq.

20.532

(Attorney)

(Rea. No.)

- a. 

  The power appears in the original papers in the prior application.
- b. 

  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. 

  A new power has been executed and is attached.
- d. Address all future communications to

(item d may only be completed by applicant, or attorney or agent of record)

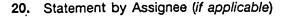
Joseph E. Mueth, Esq. 225 South Lake Avenue, 8th Floor Pasadena, CA 91101

(37 CFR 1.60(b) [4-3]—page 7 of 9)

16. Maintenance of Cormilency of Prior Application
(this item must be completed and the papers filed in the prior application if the period set in the prior application has run.)
A petition, fee and response has been filed to extend the term in the pending prior application until
NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for respons is filed with the papers constituting the filing of the Continuation Application. Notice of November 5, 1985 (1060 O.G. 27).
A copy of the petition for extension of time in the prior application is attached.
17. Conditional Petition for Extension of Time in Prior Application
(complete this item and file conditional petition in the prior application if previous item not applicable)
A conditional petition for extension of time is being filed in the pending parent application.
NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the paper constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).
<ul> <li>A copy of the conditional petition for extension of time in the prior application is attached.</li> </ul>
18. Abandonment of Prior Application (if applicable)
WARNING: (Do not complete this item if the application being filed is a divisional of the prior application which is not being abandoned).
NOTE: "A registered attorney or agent acting under the provisions of § 1.34(a), or of record, may also expressly abandon a prior application as of the filing date granted to a continuing application when filing such a continuing application." 37 CFR 1.138.
Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.
19. Notification in Parent Application of the Filing of This Continuation Application
<ul> <li>A notification of the filing of this continuation is being filed in the parent application from which this application claims priority under 35 USC § 120.</li> </ul>

(37 CFR 1.60(b) [4-3]—page 8 of 9)

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(Rel.64-7/45 Pub.605)

⊠×	In accordance with 37 CFR 3.73, I have reviewed the evidentiary documents
	establishing my/our ownership of the application identified herein, and certify that
	to the best of my/our knowledge and belief, title is with me/us who seek to take action.

☐ Assignment submitted herewith for recordal

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

	Joseph E. Mueth
March 9, 1998	(type or print name of person signing declaration)
225 South Lake Avenue, 8th Floor	
(P.O. Address of Signatory) Pasadena, CA 91101	•
Tel. No. :( 626 ) 584-0396	<ul> <li>☐ Inventor</li> <li>☐ Assignee of complete interest</li> <li>☐ Person authorized to sign on behalf of assignee</li> <li>☑ Attorney or agent of record</li> </ul>
Reg. No. 20,532 (if applicable)	Filed under Rule 34(a)
(complete the fo	ollowing if applicable)
Diagnostic Products Corporation	Attorney of Record
(Type name of assignee)	(Title of person authorized to sign on behalf
5700 West 96th Street	of assignee)
(Address of assignee)	Assignment recorded in PTO on
Los Angeles, CA 90045	10/4/85
	Reel <u>4467</u> Frame <u>923</u>
The statement under 37 CFR 3.73(b)  has been filed in the parent ap	plication
,	usly filed in the parent application is attached.
☐ a copy of the statement previo	usly lifed in the parent application is attached.
	(37 CFR 1.60(b) [4-3]—page 9 of 9)

# He had been about the state of the

## EXPRESS MAIL CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (Label No. B34445114) in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231, on October 4, 1985.

Dated: October 4, 1985

For Joseph E. Mueth Registration No. 20,532

700 S. Flower St., Suite 2200 Los Angeles, California 90017 (213) 688-7407